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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2609

12 SANDRA SUE CORNELIUS
13 633 W. Ward Avenue
14 Ridgecrest, CA 93555

OAH No. L-2005020321

15 Pharmacy Technician Registration No. TCH 6156
16 Respondent.

17 **STIPULATED SURRENDER OF**
18 **LICENSE AND ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Bill Lockyer, Attorney General of the State of California, by Erlinda G. Shrenger, Deputy
25 Attorney General.

26 2. Sandra Sue Cornelius (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

28 3. On or about March 24, 1993, the Board of Pharmacy (Board) issued
Pharmacy Technician Registration No. TCH 6156 to Respondent. The Pharmacy Technician
Registration will expire on April 30, 2006, unless renewed.

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1 10. Respondent understands that by signing this stipulation she enables the
2 Board to issue an order accepting the surrender of her Pharmacy Technician Registration No.
3 TCH 6156 without further process.

4 RESERVATION

5 11. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
7 licensing agency is involved, and shall not be admissible in any other criminal or civil
8 proceeding.

9 CONTINGENCY

10 12. This stipulation shall be subject to approval by the Board of Pharmacy.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
12 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,
13 without notice to or participation by Respondent. By signing the stipulation, Respondent
14 understands and agrees that she may not withdraw her agreement or seek to rescind the
15 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
16 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
17 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
18 the parties, and the Board shall not be disqualified from further action by having considered this
19 matter.

20 13. The parties understand and agree that facsimile copies of this Stipulated
21 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
22 and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Order:

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 6156, issued to Respondent Sandra Sue Cornelius, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her Registration wall and pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2609 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2609 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$11,000.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 8-3-05



SANDRA SUE CORNELIUS
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 8-3-05

BILL LOCKYER, Attorney General
of the State of California


ERLINDA G. SHRENGER
Deputy Attorney General

Attorneys for Complainant

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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Against:

SANDRA SUE CORNELIUS

633 W. Ward Avenue
Ridgecrest, CA 93555

Pharmacy Technician Registration No. TCH 6156

Respondent.

Case No. 2609

OAH No. L-2005020321

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 6, 2005.

It is so ORDERED September 6, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2609

1 BILL LOCKYER, Attorney General
of the State of California
2 ERLINDA G. SHRENGER, State Bar No. 155904
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3 California Department of Justice
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2609

11 SANDRA SUE CORNELIUS
12 320 Robertson Rd.
13 Ridgecrest, CA 93555

A C C U S A T I O N

14 Pharmacy Technician Registration
License No. TCH 6156

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs.

22 2. On or about March 24, 1993, the Board of Pharmacy issued Pharmacy
23 Technician Registration License No. TCH 6156 to Sandra Sue Cornelius (Respondent). The
24 Pharmacy Technician Registration License was in full force and effect at all times relevant to the
25 charges brought herein and will expire on April 30, 2006, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 4301 of the Code states, in part:

3 "The board shall take action against any holder of a license who is guilty of
4 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
5 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
6 following:

7

8 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
9 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
10 otherwise, and whether the act is a felony or misdemeanor or not.

11 "(g) Knowingly making or signing any certificate or other document that falsely
12 represents the existence or nonexistence of a state of facts.

13

14 "(j) The violation of any of the statutes of this state or of the United States
15 regulating controlled substances and dangerous drugs."

16 5. Section 4059(a) of the Code states, in pertinent part: "A person may not
17 furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist,
18 optometrist, or veterinarian."

19 6. Section 4077(a) of the Code states: "Except as provided in subdivisions
20 (b) and (c), no person shall dispense any dangerous drug upon prescription except in a container
21 correctly labeled with the information required by Section 4076."

22 7. Section 4078(a)(1) of the Code states: "No person shall place a false or
23 misleading label on a prescription."

24 8. Section 4324(a) of the Code states: "Every person who signs the name of
25 another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or
26 attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon
27 conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in
28 the county jail for not more than one year."

1 9. Health & Safety Code section 11157 states: "No person shall issue a
2 prescription that is false or fictitious in any respect."

3 10. Health & Safety Code section 11158 (a) provides, in pertinent part:
4 "... no controlled substance classified in Schedule III, IV, or V may be dispensed without a
5 prescription meeting the requirements of this chapter."

6 11. Health & Safety Code section 11164 states, in pertinent part: "Except as
7 provided in Section 11167, no person shall prescribe a controlled substance, nor shall any person
8 fill, compound, or dispense a prescription for a controlled substance unless it complies with the
9 requirements of this section."

10 12. Health & Safety Code section 11170 states: "No person shall prescribe,
11 administer, or furnish a controlled substance for himself."

12 13. Health & Safety Code section 11171 states: "No person shall prescribe,
13 administer, or furnish a controlled substance except under the conditions and in the manner
14 provided by this division."

15 14. Health & Safety Code section 11173(a) states: "No person shall obtain or
16 attempt to obtain controlled substances, or procure or attempt to procure the administration of or
17 prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or
18 (2) by the concealment of a material fact."

19 15. Health & Safety Code section 11174 states: "No person shall, in
20 connection with the prescribing, furnishing, administering, or dispensing of a controlled
21 substance, give a false name or false address."

22 16. Health & Safety Code section 11175 states: "No person shall obtain or
23 possess a prescription that does not comply with this division, nor shall any person obtain a
24 controlled substance by means of a prescription which does not comply with this division or
25 possess a controlled substance obtained by such a prescription."

26 17. Health & Safety Code section 11180 states: "No person shall obtain or
27 possess a controlled substance obtained by a prescription that does not comply with this
28 division."

1 18. Section 118(b) of the Code provides that the suspension, expiration, or
2 forfeiture by operation of law of a license does not deprive the Board of authority or jurisdiction
3 to institute or continue with disciplinary action against the license or to order suspension or
4 revocation of the license, during the period within which the license may be renewed, restored,
5 reissued or reinstated.

6 19. Section 125.3 of the Code provides, in part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 DANGEROUS DRUGS AND CONTROLLED SUBSTANCES

11 20. Tylenol with Codeine (generic name: Acetaminophen with Codeine) is a
12 dangerous drug as defined by Section 4022 of the Code and is classified as a Schedule III
13 controlled substance under Health and Safety Code section 11056(e)(2). It is a narcotic analgesic
14 combination.

15 21. Vicodin (generic name: Hydrocodone and Acetaminophen) is a dangerous
16 drug as defined by Section 4022 of the Code and is classified as a Schedule III controlled
17 substance under Health and Safety Code section 11056(e)(4). It is a narcotic analgesic used in
18 the treatment of moderate to severe pain.

19 22. Histussin HC (generic name: Histinex HC) is a dangerous drug as defined
20 by Section 4022 of the Code and is classified as a Schedule V controlled substance under Health
21 and Safety Code section 11056. It is used in the treatment of coughing.

22 23. Augmentin (generic name: Amoxicillin/Clavulanate) is classified as a
23 dangerous drug under Section 4022 of the Code. It is an antibiotic used in the treatment of
24 infections.

25 COMMON ALLEGATIONS

26 24. Respondent was employed as a Pharmacy Technician at WalMart
27 Pharmacy (#10-1600) in Ridgecrest, California from in or about 1999 until her employment was
28 terminated on April 4, 2002.

1 25. Respondent's husband, Gary Cornelius, found an empty vial with a
2 WalMart Pharmacy label showing Prescription No. 4464941 for Tylenol with Codeine
3 purportedly dispensed on September 27, 1999 to Gary Cornelius. Mr. Cornelius found the empty
4 vial in the home he shared with Respondent until their separation in December 1999. Mr.
5 Cornelius cannot take codeine. The Board's inspector, Joan Coyne, reviewed records from
6 WalMart Pharmacy regarding Prescription No. 4464941. The prescription did not appear on Mr.
7 Cornelius' patient prescription history at the pharmacy. The pharmacy's computer system
8 indicated that Prescription No. 446941 was assigned to another patient, L.G., for the refill of a
9 prescription for Tylenol with Codeine on December 4, 1999. The pharmacy's records also
10 indicated that Prescription No. 446941 was originally filled for patient L.G. on September 27,
11 1999.

12 26. Respondent's husband, Gary Cornelius, found a receipt and a pharmacy
13 bag with a security scan tag from WalMart Pharmacy for Prescription No. 4464848 for Vicodin
14 purportedly dispensed on October 1, 1999 to Gary Cornelius. Mr. Cornelius found the items in
15 the home he shared with Respondent until their separation in December 1999. Mr. Cornelius
16 denies receiving or knowing about the prescription until he found the receipt and pharmacy bag
17 in his home. The Board's inspector, Joan Coyne, reviewed records from WalMart Pharmacy
18 regarding Prescription No. 4464848. The prescription did not appear on Mr. Cornelius' patient
19 prescription history at the pharmacy. The pharmacy's computer system indicated that
20 Prescription No. 4464848 was assigned to another patient, L.G., for a prescription for Vicodin
21 dispensed on October 1, 1999.

22 27. Respondent's husband, Gary Cornelius, found an empty vial with a
23 WalMart Pharmacy label showing Prescription No. 4466691 for Vicodin purportedly dispensed
24 on November 17, 1999 to Gary Cornelius and ordered by Dr. Michael J. Roberts. Mr. Cornelius
25 found the empty vial in the home he shared with Respondent until their separation in December
26 1999. The Board's inspector, Joan Coyne, reviewed records from WalMart Pharmacy regarding
27 Prescription No. 4466691. Mr. Cornelius' patient prescription history at the pharmacy indicated
28 that Prescription No. 4466691 was originally filled on November 10, 1999 (50 tablets) and

1 refilled a week later on November 17, 1999 (another 50 tablets). Mr. Cornelius denies that he
2 requested or received a refill of the prescription. The Board's inspector also verified with
3 Dr. Roberts that he did not authorize a refill of the prescription.

4 28. Respondent's husband, Gary Cornelius, found an empty vial with a
5 WalMart Pharmacy label showing Prescription No. 4460805 for Tylenol with Codeine
6 purportedly dispensed on October 30, 1999 to a person, T.K., and ordered by Dr. Douglas
7 Roberts. Mr. Cornelius also found a receipt, pharmacy bag, and security scan tag from WalMart
8 Pharmacy regarding Prescription No. 4460805. Mr. Cornelius found the items in the home he
9 shared with Respondent until their separation in December 1999. According to Mr. Cornelius,
10 T.K. is a neighbor of Respondent's mother. The Board's inspector, Joan Coyne, verified with
11 Dr. Douglas Roberts that he did not write the prescription for T.K. Respondent's bank records
12 indicate she paid for Prescription No. 4460805 with a personal check.

13 29. The Board's inspector reviewed records from WalMart Pharmacy
14 regarding Prescription No. 4460805. The prescription did not appear on T.K.'s patient
15 prescription history at the pharmacy. The pharmacy's computer system indicated that
16 Prescription No. 4460805 was assigned to another patient, D.K., for a prescription for Tylenol
17 with Codeine filled on June 26, 1999 (50 tablets) and purportedly refilled on October 30, 1999
18 (50 tablets). However, the pharmacy's computer system also indicated that another prescription
19 for Tylenol with Codeine (50 tablets) was dispensed to D.K. on October 30, 1999 under
20 Prescription No. 4467474.

21 30. Respondent's husband, Gary Cornelius, found an empty vial with a
22 WalMart Pharmacy label showing Prescription No. 4466085 for Histinex HC purportedly
23 dispensed on October 28, 1999 to a person, J.C., and ordered by Dr. Robert Schumacher. J.C. is
24 the minor son of Respondent and Mr. Cornelius. Mr. Cornelius found the empty vial in the home
25 he shared with Respondent until their separation in December 1999. The Board's inspector, Joan
26 Coyne, verified with Dr. Schumacher that he did not prescribe Histinex HC for J.C. on October
27 28, 1999.

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1 31. The Board's inspector also reviewed records from WalMart Pharmacy
2 regarding J.C.'s patient prescription history. The records showed Prescription
3 No. 6905044 for Augmentin dispensed on December 29, 1999 to J.C. and ordered by Dr. Robert
4 Schumacher. The Board's inspector verified with Dr. Schumacher that he did not order
5 Augmentin for J.C. on December 29, 1999.

6 FIRST CAUSE FOR DISCIPLINE

7 (Obtained Dangerous Drugs/Controlled Substances By Fraud and Deceit)

8 32. Respondent is subject to disciplinary action under Sections 4301(f) and (j)
9 of the Code, in conjunction with Health and Safety Code sections 11173 and 11174 and Section
10 4324(a) of the Code, in that she obtained controlled substances and dangerous drugs by
11 generating false prescription labels for non-existent prescriptions, while working as a Pharmacy
12 Technician at WalMart Pharmacy, which allowed false prescriptions to be filled, and controlled
13 substances and dangerous drugs to be dispensed or furnished to Respondent and/or others
14 without valid prescriptions. The circumstances are as follows:

15 A. As alleged more fully in Paragraphs 25-27 above, in or about September
16 1999 to November 1999, Respondent fraudulently obtained two (2) prescriptions for Tylenol
17 with Codeine, and one (1) prescription for Vicodin, by generating false prescription labels using
18 the name of her husband, Gary Cornelius.

19 B. As alleged more fully in Paragraphs 28 and 29 above, on or about October
20 30, 1999, Respondent fraudulently obtained one (1) prescription for Tylenol with Codeine by
21 generating a false prescription label using the name of her mother's neighbor, T.K.

22 C. As alleged more fully in Paragraph 30 above, on or about October 28,
23 1999, Respondent fraudulently obtained one (1) prescription for Histinex HC by generating a
24 false prescription label using the name of her minor son, J.C. As alleged more fully in Paragraph
25 31 above, the records of WalMart Pharmacy indicate that, on or about December 29, 1999,
26 Respondent fraudulently obtained one (1) prescription for Augmentin under the name of her
27 minor son, J.C.

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1 and Safety Code regulating controlled substances and dangerous drugs, as follows:

2 A. Section 11157 - Respondent altered data in pharmacy computer systems
3 that enabled her to generate false prescription labels and affix those labels to prescription
4 containers which were filled and dispensed to herself and others, as alleged in Paragraphs 24-31,
5 above.

6 B. Section 11164 - Respondent knowingly and willingly filled and dispensed
7 false and fictitious prescriptions for dangerous drugs and controlled substances, as alleged in
8 Paragraphs 24-31, above.

9 C. Sections 11175 and 11180 - Respondent obtained controlled substances by
10 falsifying prescription data, as alleged in Paragraphs 24-31, above.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

14 1. Revoking or suspending Pharmacy Technician Registration
15 License No. TCH 6156 issued to Sandra Sue Cornelius;

16 2. Ordering Sandra Sue Cornelius to pay the Board of Pharmacy the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 9/9/04

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P. F. Harris
PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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(08/09/04)

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